

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10 CV 275**

<b>W. KENNETH CONSTANZO, DAVID</b>	)	
<b>A. GREFE AND WIFE LISA M. GREFE,</b>	)	
<b>CARL W. COLMAN, ROBERT F.</b>	)	
<b>COLEMAN AND WIFE MARY ANN</b>	)	
<b>COLEMAN AND 182 INVESTMENTS,</b>	)	
<b>LLC,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>SYNOVUS FINANCIAL CORP.</b>	)	
<b>D/B/A NATIONAL BANK OF SOUTH</b>	)	
<b>CAROLINA AND NBSC</b>	)	
<b>CORPORATION,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the court pursuant to a certificate of initial conference (#10) which was filed by defendants on February 24, 2011. An examination of the file in this cause now shows that a Motion to Dismiss the plaintiffs' Complaint was filed by defendants on March 4, 2011. As a result of this Motion to Dismiss, there has not been a joinder of issues in this case and the undersigned finds that the entry of a Pretrial Order and Case Management Plan pending the resolution of the Motion to Dismiss would be premature.

## ORDER

**IT IS, THEREFORE, ORDERED** that the pleading entitled “Synovus’ Proposed Discovery Plan” (#10) which the undersigned has considered as a certification of initial attorney’s conference is hereby **STRICKEN** without prejudice pending resolution of defendants’ Motion to Dismiss.

Signed: March 18, 2011

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

